Appl. No. 09/905,590
RCE and Response to Office Action mailed April 1, 2009

PATENT

Amendment to the Drawings

Please amend EXISTING FIG. 17 of the instant application as follows and in further accordance with the attached redline drawings for FIG. 17. No NEW drawings are added.

In FIG, 4a, Insert "Memory Map" as new element "485" and
      Re-number prior elements "485-487" as "486-488"

In FIG. 9a, Re-number element "622" as "922"

In FIG. 10b, Re-number element "1011a" as "1011a1
      Add indicated numbering
      Change label of depicted users from "User N" to "Users N"

In FIG. 10c, Change "To Voice Command Interface" to "To Voice
      Command Interpreter"

In FIG. 10d, Change "Interface Glue" to "Iteration Check"
      Change "Conversational Factor Checker" to "Conversant
      Factor Checker"

In FIG. 17, Re-number elements from "1602-1612" to "1702-1712"

REMARKS/ARGUMENTS

Claims 1-44 were pending when last examined and were rejected. The drawings are being amended and new redline and replacement drawings are submitted herein as discussed below. The specification is being amended to add required references to elements of the drawings. Claims 1, 3, 4, 16, 27-31 and 35 are amended herein to provide greater clarity and correct scrivener's errors. No new claims are added and no new matter is added. Therefore, upon entry of this amendment, which is respectfully requested, claims 1-44 will be pending.

The Specification, drawings and claims were also objected to for missing/incorrect labeling and other scrivener's errors. Accordingly, redline and replacement drawings are submitted herewith that are labeled as the Examiner instructed. Applicant has also been careful to properly label the replacement claims as instructed by the Examiner.

Attached to this Amendment is a copy of the drawings for figures 4d, 9a-d, 10b, 10c-d and 17 with proposed changes shown in RED ink. The proposed changes include correction of numbering, addition of elements described in the originally filed specification, correction of other scrivener's errors (e.g., returning details of the original hand drawings inadvertently excluded from their computer replacements) and further illustration of embodiments disclosed in the originally filed application. Replacement drawings for existing figures 4d, 9a-d, 10b, 10c-d and 17 are also attached.

Applicant was again careful to avoid adding new matter and submits the support for the amendments to the specification, in addition to respective figures to which the amendments are primarily directed or as otherwise noted herein, include support submitted in the previous response, which is hereby re-asserted herein, as well as at least the originally filed specification at: 35/12-21 (FIG. 12c); 100/4-15 and 102/6-103/17 (FIGS. 12e1, 12e2); 17/19-28 and 107/10-108/19 (FIGS. 12f, 12g); 45/15-18 and 96/8-97/17 (FIG. 13a); 105/1-25 (FIG. 14); 5/15-25, 32/4-28, 33/5-34/9 and 35/2-7 (FIG. 15a); 22/14-24 (FIG. 15b); 36/27-37/7, 65/15-21 and 70/4-14 (FIG. 15d); 27/10-11 (FIG. 15g).

Appl. No. 09/905,590
RCE and Response to Office Action mailed April 1, 2009

PATENT

Examiner Status Information

In items 1-2 (pg. 2) of the present action, the Examiner notes that, because Applicant's initial replacement of original claims 1-4 was found to be a non-compliant response, Applicant's re-submission instead amended claims 1-4 and added new claims 5-44. The Examiner further asserts that Applicant's traverse and argument regarding the previous rejection is found to be moot because the amended claims necessitated new grounds for rejection (item 1). The Examiner therefore at least impliedly admits that, while Applicant did not direct the amendments at overcoming the cited art (e.g., see argument submitted), new grounds for rejection are assertedly "necessitated" because the cited art does NOT render the claims unpatentable. The Examiner further confirms that previous objections to the drawings and specification are withdrawn, but asserts that the new drawings raise further issues given below (item 2).

In item 3 (pgs. 2-3) of the present action, the Examiner responds to Applicant's surprise and objection to the finality of the instant action based on conversation with the Examiner. Applicant disagrees that a continuation was discussed (conversations focused on the USPTO having lost the instant application). Nevertheless, Applicant appreciates the Examiner finding Applicant's application and is unaware of any available recourse. Moreover, given the latter, the issue appears moot.

Applicant submits, however, that the Examiner asserts the finality of the rejection as "proper" rather then "required" and the MPEP appears to be consistently vague in this respect. Applicant therefore respectfully requests confirmation as to whether the Examiner "may" or "must" make the Action final, and if permissive, what criteria are provided to assure consistency and fairness. Applicant further submits that various Examiners have noted an internal USPTO policy as affecting one or more of the examination review, time allotted, finality, consistency, and so on. Applicant therefore respectfully requests a copy of such internal USPTO policy/ procedure governing examination so that Applicant may more appropriately respond in the future.

In item 4 (pg. 3) of the present Action, the Examiner asserts that claims 11 and 37 [are] directed to an independent or distinct invention, but withdraws from consideration only claim 11. Therefore, because claim 37 does NOT stand withdrawn or rejected, Applicant respectfully submits that claim 37 now stands allowed. (See also *In re Soni*, 54 F.3d 746, 751, 34 USPQ2d 1684, 1688 (Fed. Cir. 1995) in which the Office failed to rebut applicant's argument and a patent was therefore allowed). Since no definitive indication is provided, Applicant is rendered unable to respond further and respectfully requests clarification.

Applicant also respectfully objects to the limitations imposed on permissible subject matter due to mere examination happenstance that prevent Applicant from claiming certain aspects, embodiments and/or advantages of his invention. For example, the title of the invention, disclosure, drawings and originally filed claims are clearly NOT limited to speech and may include various speech and/or non-speech gesturing (e.g., see below). Embodiments also enable advantages of full or partial processing of speech and/or other gesturing that may utilize one or more local/remote programs, program portions, devices, systems, and so on (see "machines" below), as well as local and/or remote information portions which, as indicated below, are also clearly set forth in the instant application. Imposed limitations are apparently based on the happenstance of "original examination" whereby the Examiner presumed not-recited limitations as applicable to the instant claims. A further issue is whether and how Applicant may actually be permitted to claim his invention at some point, since the Examiner will apparently restrict any single continuation or divisional application claiming the same. The Examiner's assistance is respectfully requested. Particular reference to authority permitting limitation based on incorrect presumption during initial examination is also respectfully requested, as the asserted MPEP § 821.03 is clearly inapplicable to mere Examiner mistake in initially interpreting the claims. In view of at least each of the above, Applicant respectfully submits that the finality of the rejection is improper.

Applicant further respectfully submits that the characterization of "non-speech recognition processing" as "image recognition processing", while indicating disclosure of at least such embodiment, adds limitations not specifically recited in the subject claim and is therefore

improper -particularly as a general characterization of a claim that may not now be subject to examination. Applicant therefore respectfully requests withdrawal of the characterization.

Objections to Claims 1-44

In item 5 (pgs 3-4) of the present Action, the Examiner objects to claims 1-44, which the Examiner asserts as including informalities. The Examiner more specifically asserts the following informalities: "Claims 1, 3, and 4 recite 'use-based' objectives, but it appears this limitation should state --user based objectives-- (for example, see specification, Page 10). In claim 16 'may be' should be corrected because the claim language following this phrase is not positively recited". The following claims should read that the --processing further comprises-- for example, as recited in claim 16: 27-31. "In claim 35, 'the transition' should be changed to --a transition-- in order to provide proper antecedent basis for this limitation in the claims". Claim 35 is amended herein to recite "a transition" upon entry of which the objection is rendered moot. The remainder of the dependent claims fail to overcome the preceding objections and thus, are similarly objected to by virtue of their dependency".

Applicant is amending claims 16, 27-31 and 35 herein to enter the corrections required by the Examiner. Regarding claims 1, 3 and 4, Applicant respectfully submits that, while the phrase use-based objective is not specifically denoted, the terms use and use-based are disclosed throughout the originally filed specification, examples of which Applicant believes have already been entered in conjunction with further Applicant arguments .

Applicant therefore respectfully submit that the claims objected to are now in a condition for allowance and withdrawal of the objections is therefore respectfully requested.

Objections to the Specification

In item 6 (pages 4-7) of the present Action, the Examiner objects to the Specification, asserting that the amendments to the specification in the previous Response introduce new matter. Applicant respectfully traverses.

Applicant respectfully submits that not only was <u>NO new matter introduced</u>, but the Examiner also <u>knew or should have known</u> that NO new matter was introduced. Applicant submitted substantial support for *SPECIFICATION* amendments that were specifically designed to simplify Examiner review. Easily reviewable support was also provided for each *DRAWING* amendment (response pages 68-70), which accounts for at least most of the specification objection, and for each *CLAIM* amendment (response pages 65-67). Moreover, in some instances, the Examiner need only have reviewed the brief initial references in order to avoid needless objection or <u>to</u> simplify further review. The objections instead suggest that the Examiner did not review the support submitted by Applicant. The Examiner also could have conducted a simple word search on key recited terms or even cited terms in various instances (e.g., see objection to claim 1 above). Other Examiner citations/assertions are merely not resolvable, confusing, and so on, more specific examples of which are discussed below, and withdrawal of the finality of the rejection is therefore respectfully requested. Applicant has, however, attempted to ascertain what is objected to and to respond accordingly.

The Examiner's apparent failure to consider the above options in rendering objections is particularly egregious and frustrating given the loss of the instant application by the USPTO, that the previous Action was the first subsequent review, and Applicant's appreciation for the Examiner's efforts to locate the application and provide time for an interview. Applicant therefore respectfully requests at least some evidence already on the record that the Examiner considered the totality of Applicant's previous response including at least the above support. See, for example, MPEP §§ 707.07, 2111, 2111.01 and 37 CFR §§ 1.113(b)-(c).

The Examiner first asserts, on page 4 of the present Action, that "applicant's amendment to the specification beginning at **page 58, line 5** includes new matter because it refers back to Figs. **13B**, which contains new matter... (for example, <u>entertainment systems</u>). This amendment also references other Figures containing new matter -**13B** *(elements that were not disclosed in the specification as filed- for example, entertainment systems)*, **15F** *(no mention of <u>use of image recognition type processing for user identification</u>)*, and **15G** *(no mention of*

trapping database or selective output portion). (Emphasis is added). Applicant respectfully disagrees and objects.

Applicant first respectfully submits that the rejection is confusing and erroneous, and therefore improper. For example, the Examiner intimates new matter in FIG. 13B of which "entertainment systems" may merely be one of a plurality of examples ("for example, entertainment systems") but provides no other such "examples". Given the alternative of intentional prosecution delay by the Examiner, which is against espoused USPTO policy and Examiner's character and abilities, Applicant instead presumes that NO other examples exist, the same issue will not re-appear in a later Action and the phraseology is simply a grammatical error. The Examiner also references "other Figures containing new matter" as again including FIG. 13B ("for example, entertainment systems)", to which repeated response would be superfluous, and references instant FIGS. 15F and 15G that are NOT in fact recited by the cited reference, which recites, "See, for example, FIGS. 3a-c, 10b, 12, 13b-c and 14". Applicant again presumes that this is mere Examiner mistake.

For clarity sake, references to amendment to the instant specification will hereinafter be cited using less confusingly long nomenclature. For example, reference to the amendment to the instant specification paragraph beginning at page 58, line 5, which is entered at previous response beginning at page 30 (response page 30), will be referred to as the "specification 58/5 amendment".

As noted above, the specification 58/5 amendment merely adds

"See, for example, FIGS. 3a-c, 10b, 12, 13b-c and 14",

indicating merely that the preceding discussion may be aided "for example" by reference to the indicated figures. However, a descriptive reference to each of the cited figures is contained in the required addition of their descriptions in the Brief Description of the Drawings (Specification 8/3 amendment at previous response page 7), which is NOT objected to. (Other of the Examiner's references to the instant specification are similarly deficient.)

Accordingly, Applicant respectfully submits that the amendment to the Brief Description of the Drawings describes the cited figures, which the cited reference at specification

58/5 does not do, Examiner mistake is highly unlikely since the 8/3 reference is <u>required</u>. Therefore, the specification 58/5 amendment can NOT add new matter at least because the Examiner implicitly ÁDMITS that specification 8/3 amendment does NOT add new matter. Applicant, also respectfully submits the following arguments.

First, neither the cited specification 58/5 reference nor FIG. 13B specifically <u>recites</u> "entertainment system" as the Examiner asserts; the Examiner therefore apparently merely asserts and admits that the FIG. 13B depiction illustrates the assertedly objectionable "entertainment systems". *Second*, the specification 50/18 amendment, which closely precedes the cited specification 58/5 amendment and was not cited, recites the assertedly objectionable "entertainment system" as <u>part of the originally filed application</u> ("Operability can further be provided... with respect to more particular program(s), device(s)... or types or portions thereof (e.g. ... operating... [an] <u>entertainment system</u>". Emphasis is added. Applicant respectfully submits that "information contained in any one of the specification, claims or drawings of the application as filed may be added to any other part of the application without introducing new matter". MPEP § 2163.06. Therefore, a FIG. 13B depiction or other references to an entertainment system would clearly NOT constitute new matter.

Third, Applicant's *FIRST* cited reference supporting FIG. 13B (response page 89) recites "**<u>NEW FIG. 13b</u>** is supported by at least the originally filed figure 3a. Emphasis is <u>original</u>. Originally filed FIG. 3A depicts similar elements to FIG. 13b respecting "entertainment system" and, while NOT intended to be limiting, at least depicts – in the depicted shelves above the right side of the depicted desk and moving upward – an entertainment receiver, an audio-video recording/playback machine, a game machine, and a television (machine). Applicant respectfully submits that such components (excluding perhaps in certain instances, the depicted game or gaming machine) would clearly have been conventionally referred to at the time of the invention as the recited "entertainment system". *Fourth*, a simple word search for "entertainment system" or "entertainment" would also have revealed that at least the specification 41/11-12 paragraphs also comprise a sufficient disclosure ("<u>entertainment</u> receiver "modes" and respective audio, video, source-<u>service</u> or other components"). Therefore, FIG.

Appl. No. 09/905,590
RCE and Response to Office Action mailed April 1, 2009

PATENT

13B and references thereto clearly do NOT introduce new matter for at least the foregoing reasons.

The Examiner further erroneously asserts that the specification 58/5 amendment is also objectionable because it references "other Figures containing new matter", including FIG. 13B (*"for example,* entertainment systems), 15F (no mention of use of image recognition type processing for user identification), and 15G (no mention of trapping database or selective output portion)". Applicant respectfully disagrees and objects.

Applicant *first* respectfully submits that FIG. 13B is merely a repeated reference and does NOT introduce new matter for at least the reasons already submitted above respecting FIG. 13B and references thereto. Applicant also submits that no objection is asserted respecting the remaining figures that are in fact mentioned in the specification 58/5 amendment ("See, for example, FIGS. 3a-c, 10b, 12, 13b-c and 14"). *Secondly*, the specification 58/5 amendment clearly does NOT reference either of the cited FIG. 15F and FIG. 15G, thereby rendering improper the objection to such figures and references thereto.

FIG. 15F is, however, mentioned elsewhere in the previous amendment, including at least at response page 6 ("Insert NEW figure -- FIG. 15f –"), response page 12, which amends the Brief Description of the Drawings ("FIG. 15f illustrates *initial or ongoing identification and association of different or particular users according to input device, biometrics, proximity, location, movement or other mechanism(s),* according to an embodiment of the invention;"), and response page 70 ("NEW **FIGS. 15e-g** and NEW **FIG. 17** are supported by... New **FIGS. 15e, 15f** and **17** are also supported by...") (Emphasis is original). However, clearly NONE of the FIG. 15F references *requires* the assertedly objectionable limitation, "image recognition type processing for user identification. (While therefore moot, Applicant respectfully submits that the utilization of appropriate processing in conjunction with the actually recited "initial identification" and/or "ongoing identification" is in fact supported by the extensive originally filed application.)

That the FIG. 15F depiction further clearly does NOT introduce new matter is also clearly set forth in the supporting references of the previous response. While the first

reference also supports other aspects, at least the succession of page 67 references that follows clearly support the depicted FIG. 15F elements. Beginning at the specification 67/21 paragraph, for example, "user identifier 801", "security engine 622" and "one or more of elements 802-808" operating "to provide for identifying one or more users" and "for identifying a user in accordance with a particular controller", "in accordance with... biometric information", "in response to a particular user control", "via user(s) localization", "witnessing", "direct/indirect attachment to a user's person" and operation respecting each local/remote user "[o]nce associated..." (67/21-68/29). As with FIG. 13B, the corresponding supporting references also support the depictions that are in fact illustrated in the assertedly objectionable FIG. 15F as well. Moreover, even a simple search for recited or depicted elements would have easily revealed that the asserted objection was improperly made and that NO new matter was in fact added. See also FIGS. 8A, 17. Therefore, FIG. 15F and references thereto clearly do NOT introduce new matter for at least the foregoing reasons.

Regarding the further objection to FIG. 15G and reference thereto, and in addition to the reasons given above, *first*, as with FIG. 15F, if the specification 58/5 amendment recited FIG. 15G as the Examiner asserts, then the reference would NOT introduce new matter at least because the Examiner at least impliedly admits that the corresponding required amendment to the Brief Description of the Drawings that describes FIG. 15G does NOT introduce new matter. *Second*, at least Applicant's support for FIG. 15G (response page 70), which the Examiner should have easily reviewed, recites that "New **FIG. 15g** is further supported at least by the originally filed specification at page 27, lines 8-13". Emphasis is original. Specification 27/8-13 clearly demonstrates that NO new matter is in fact added at least by reciting at least that "Users also tend to recite commands more confidently where conventional conflicts between control and data handling and other recognition inaccuracies can be avoided" and *"common user mis-recitations can also be better identified and thus trapped..."*. (The Examiner could have easily conducted a word search on "trap".)

Moreover, trapping mis-recitations is in fact clearly selective with respect to at least user speech and/or non-speech gestures, and at least "more temporarily or persistently

stor[ing] current or prior commands, data or other information received from or supplied to the other elements" (specification at 14/11-13) supports the depicted "storing", which the Examiner may have found using the search term, "stor". (See also, for example, specification 41/8; however, database is clearly not "required" by the figure.) Applicant further respectfully objects to an implied limitation of "output" processing as improperly inserted by the Examiner, at least because (1), the specification merely provides examples or embodiments and (2) processing of input, output or both is clearly presented throughout the originally filed specification. Therefore, FIG. 15G and references thereto do NOT introduce new matter.

Accordingly, withdrawal of the objection to at the specification 58/5 amendment and any other references to "entertainment system" and mere reference to FIG. 13B is respectfully requested for at least the foregoing reasons. Applicant also respectfully objects to and requests withdrawal of the Examiner's added limitations to the instant disclosure, and further requests withdrawal of the objection respecting FIGS. 15F-15G and references thereto for at least the foregoing reasons.

The Examiner, on page 5 of the present Action, further asserts that the specification **22/14** amendment includes new matter. The Examiner ADMITS at least that that the originally filed specification "consider[s] the entry of non-speech gestures" and that originally filed FIG. 3a in fact *shows* "a user pointing to a computer screen". Nevertheless, the Examiner objects to the lack of specific "mention of head/body position recognition, gaze, or pointing gestures... or how they can be recognized and processed". The Examiner also objects to an assertedly added "pointer device... to affect machine portions". Applicant respectfully traverses.

Applicant first respectfully submits that the objection is contradictory and improper on its face -at least in part. Specifically, the Examiner admits that the originally filed disclosure discloses non-speech gestures (e.g., specification) and a user pointing at a machine (e.g., FIG. 3a). Therefore, it is contradictory and improper at least under MPEP § 2163.06 for the Examiner to then assert a new matter objection on the basis that the disclosure nevertheless fails to disclose at least a pointing gesture of at least the admitted user pointing at a computer screen.

Moreover, while Applicant submits that the remainder of the specification sufficiently discloses aspects of the invention, it is improper for the Examiner to object to a figure description describing depicted aspects of the figure on new matter grounds simply because the Examiner asserts that the specification should discloses more than the Examiner asserts is disclosed. That is, so long as the figure depicts what is then described, NO new matter is added under at least MPEP § 2163.06.

Applicant further respectfully submits that the originally filed FIG. 3A depicts a more extensive example than the Examiner assertedly admits, and that the depiction of a more extensive example would have been apparent to one skilled in the art at the time of the invention.

For example and without intending to now limit the purview of FIG. 3A, FIG. 3A illustrates an example that, contrary to the Examiner's assertion, at least depicts a user pointing at a particular one of various depicted exemplary "machines" to which user pointing gestures may also be directed (e.g., the user pointing at other of the machines or data that may also or instead be displayed and/or otherwise presented to the user, or other of the machines in the depicted user environment). FIG. 3A also clearly illustrates at least that a user may use speech and/or other gestures to indicate operation of or may otherwise control or otherwise use the depicted or other lights or other so-called home control, calendars, sticky notes, instruments or other production/ entertainment machines, books, controls, phones or other communication devices, files, desktops, pointers, cameras, and so on that may be also be displayed or otherwise made "available", that are depicted so that they may be better recognized as such and if otherwise depicted would not be practicable to include as patent drawings indicating such user environment. (See, for example, the support for amendments to the specification and drawings provided in Applicant's previous response, reference to which are provided above.) The FIG. 3a example also depicts at least a user head and body positioned in a particular manner (for example, to illustrate such aspects), the user as looking or "gazing" in a particular manner (for example, to illustrate such aspect) and user motion, for example, to further clearly illustrate the above aspects, in addition the motion itself, as embodiments of non-speech gestures of the instant "Interfacing Apparatus and Methods". These depictions comprise a patent drawing and, contrary to the Examiner's assertion, are NOT merely superfluous, and the terminology used to merely

describe what is in fact depicted was selected within the purview of at least MPEP §§ 2111 and 2111.01. See also the instant specification at 115/24-31.

Applicant therefore respectfully objects to limitations asserted by the Examiner and submits that the specification amendment merely describes that which the originally filed FIG. 3A depicts. The Examiner, however, instead merely fails to confirm that clearly depicted features are in fact clearly depicted and the figure "shows what it shows".

. Applicant further respectfully objects that despite admission to the contrary, the Examiner continues to consider the invention as "speech interfacing". Rather, "Aspects [of the invention] provide for speech and/or non-speech interaction" and the discussion in the specification merely focuses on "an exemplary... voice interface... through which various aspects of the invention may be better understood" (specification at 10/5-13). Moreover, advantages of the invention include that speech and non-speech gesturing may be similarly used, processed and so on in conjunction with various systems, programs, portions thereof and/or other local/remote "machines", and corresponding apparatus and methods are specifically provided detailing how this may be accomplished –as indicated, at least at originally filed specification 6/10-15, 8/11-12, 10/30-31, 11/3-6, 13/6-8, 14/18-20, 18/5-10, 32/27-28, 60/24-26, 62/17-25 and thereafter, 63/2 and 24 and thereafter, 64/4-9, and FIGS. 1, 3a-c, 4a, 6a, 6b (now 4D), 7a, 7d-e, 8a-c, 8e-g, second 6a-e (now 9a-e), FIGS. now labeled as 10a-b, and so on. See, for example, FIG. 7a blocks 702 (speech content analyzer) through 703 (non-speech content analyzer) and specification 62/17-25 ("Command/data engine 611 [of *command* interpreter 115] provides for receiving speech/non-speech input, differentiating commands and data and processing and outputting data, commands or both. *Command* interpreter 115 operation is *further...*"). Note that despite the inclusion of only the label of "command" (and not non-speech and/or non-command), the "command interpreter" must necessarily receive/process that which its included components receive/process.

Applicant also respectfully submits that the objection is improper on its face under at least MPEP § 2153.06. Contrary to the asserted basis for objection, 35 USC § 132(a) merely sets forth rejection and response *procedure*. Subject matter which may constitute new matter respecting the specification is instead governed by MPEP § 2153.06, which provides that

Appl. No. 09/905,590
RCE and Response to Office Action mailed April 1, 2009

PATENT

"information contained in <u>any one</u> of the specification, claims <u>or drawings</u> of the application as filed MAY be added to <u>any other part</u> of the application WITHOUT introducing new matter". Emphasis is added. The Examiner does NOT claim that the originally filed FIG. 3A fails to depict any portion of the specification 22/14 amendment, thereby at least impliedly admitting that such depiction exists (except as given below) and Applicant respectfully submits that the specification 22/14 amendment describes –without edification– merely what was shown in the originally filed FIG. 3A. Therefore, the rejection is improper on its face at least for failing to meet the corresponding requirements for a new matter objection to the specification.

Secondly, even the specification 22/14 paragraph containing the subject amendment (response pages 15-16) recites:

"Consider, for example, the OEVI-like assistant scenario embodiment of FIG. 3a in which a user can move about while instructing an "assistant" or **using various controllers himself**; as desirable, the user can also virtually place one hand on his assistant's shoulder and **point (virtually or actually) by** or **while reciting** a corresponding objective. <u>FIG. 3a shows, for example, how user 301a may use a head/body location or position 311a, gaze 311b, pointing mechanism 311c or change in location/position, gaze or pointing 311d to indicate a home or business, office 313 and computer/display 312a (or one or more other real or virtual location or machine portions), or further, to indicate one or more presented objects 312a1 presented by display 312a of computer 312. Such indication(s) may, for example, cause a corresponding recited objective to correspondingly affect one or more of the illustrated or other machine portions. (Location, status, multiple user, group, local/remote handling and other enabled aspects are also discussed below.)</u> ~~The a~~Assistant <u>301b</u> can comply with simpler recited user objectives; the assistant can also **switch, distribute among or link machines** or commands, imply specificities/ designations, perform current/later command enhancement, and so on, **thus enabling minimal user recitation to produce even complex, multiple local/ remote machine effectuated objectives**. An assistant can

Appl. No. 09/905,590
RCE and Response to Office Action mailed April 1, 2009

PATENT

also guide an inattentive or physically, emotionally or technologically challenged user, for example, by receiving and resolving partial recitations, providing suggestive feedback, advancing user progress, preparing for further objectives, and so on." (Emphasis via bolding/italics is added, while underling/strike-throughs correspond to the submitted amendment.)

Applicant respectfully submits that the originally filed specification 22/24 paragraph, and FIG. 3A further contradict at least the Examiner's assertion that there is no "mention of what is included in these gestures or how they can be recognized". For example, the specification 22/24 paragraph discloses gestures including that a "user can move about", use "various controllers", can "also virtually one hand on his assistant's shoulder" and can "point...virtually or actually". Such gestures not only inherently include non-speech gestures (e.g., at least moving gestures, operating a control or pointing as gestures), but the original disclosure provides that the user may utilize them "by or while reciting a corresponding objective", which also specifically discloses that they can include non-speech gestures. Moreover, examples of how the non-speech gestures can be recognized inherently includes at least use of any one or more suitable "controllers" (examples of which are disclosed throughout the originally filed specification), the depicted camera in the originally filed 3A (which is also NOT superfluous), and so on. Such recognition may, for example, further be determined in conjunction with or "while reciting a corresponding objective". See also originally filed FIG. 3c. Additionally, conventional or other mechanisms for recognizing non-speech actions that may be utilized for determining non-speech gestures need not be specifically disclosed in the instant application so long as support exists for the manner in which they are used. While support for "how" non-speech gestures may be recognized and processed is NOT required in response to a new matter objection to the specification, e.g., as was already discussed, Applicant respectfully submits that the originally filed specification not only "mentions", but further details non-speech gesturing features (e.g., including non-speech"gesturing type inflexion") at least at 6/10-15, 8/11-12, 10/30-31, 11/3-6, 13/6-8, 14/18-20, 18/5-28, 32/27-28, 60/24-26, 62/17-25 and

thereafter, 63/2 and 24 and thereafter, 64/4-9, and FIGS. 1, 3a-c, 4a, 6a, 6b (now 4D), 7d-e, 8a-c, 8e-g, second 6a-e (now 9a-e), not-labeled FIGS. now labeled as 10a-b, and so on.

   Regarding the assertedly objectionable pointing device, Applicant respectfully submits that the pointing device is NOT new matter at least because the originally filed disclosure discloses a pointing device. For example, FIG. A discloses pointing devices on at least the depicted wall and the depicted desk. The originally filed specification also discloses a pointing device at least at specification 18/25 ("It will further become apparent that non-speech element interpretation can also be utilized in accordance with non-speech expressive or event element attributes including, for example, mouse/pen, biometrics/actuators, various other media, operations or controls, such as gesturing type inflection (e.g. speed, pressure, location, direction), history, and so on"). Emphasis is added. Moreover, Applicant respectfully submits that an advantage enabled by the present invention is that it is not essential for general operation (where the particular device or device type is not specifically at issue) whether a pointing device includes finger pointing, touch, gaze, position, image recognition, using a pen or mouse, and so on or some combination –provided, as in the ~~persent~~ present case, the originally filed disclosure broadly supports using a pointing device. Additionally, though not required, Applicant respectfully submits that the originally filed specification also discloses applicable processing and an advantage of conducting such processing in a similar manner as with other gesturing.

   Withdrawal of the objection is therefore respespectfully requested for at least the foregoing reasons.

   Further in item 6 (page 5) of the present Action, the Examiner asserts that the specification **27/4** amendment includes new matter in that the "specification as filed makes no mention of the interpreter processor connected to a 'trapped' database and also having a selective output portion (i.e., no output or processed output)". Applicant respectfully traverses.

   Applicant respectfully submits that the specification 27/4 amendment merely recites "See, for example, FIG. 15g".

As discussed regarding the earlier indirect FIG. 15g objection, FIG. 15G and references thereto are clearly supported by the originally filed application. Withdrawal of the objection is therefore respectfully requested for at least the reasons set forth above.

The Examiner also, in item 6 (page 5) of the present Action, objects to the specification **30/11** amendment as incorporating new matter in that the "specification as originally filed is silent on the newly recited types of lesser related intermittent tasks because there is no mention of controlling lights, television, stereo/gaming systems, etc." Applicant respectfully traverses.

Applicant respectfully submits that the objection is confusing and improper. For example, it is not clear whether the Examiner admits or objects to the general example, the particularly recited "lights, television, stereo/gaming systems, etc.", the "controlling" such machines or some combination. Nevertheless, in order to expedite prosecution, Applicant respectfully disagrees with all such objections and submits the following. Applicant further submits that, while the added example is non-essential could be deleted, the objection nevertheless appears entirely unnecessary and improper.

First, proper consideration of the amendment also includes consideration of the surrounding disclosure, which Applicant has attempted to simplify for the Examiner's benefit as follows. Any underlining and/or cross-outs in the following are part of the previous amendment, while italics and bolding provide added emphasis.

> "Tasks can… be viewed as including one or more of an "**ongoing sequence**" (largely uninterrupted) of similar ongoing tasks" as well as "**intermittent tasks** (that *temporarily interrupt, supplement or link a flow of similar/dissimilar tasks….*" or "new tasks" (30/5-8). Following 'simple ongoing tasks' and 'Related ongoing tasks' examples "Consistent with the OEVI and emailing", the subject amended paragraph continues that " '**Related intermittent tasks**' might include… email… responding by *fax or phone*; *scheduling*; *alerting*…;

taking *notes*; *distributing* information, etc. '**Lesser-related intermittent tasks**' or 'new-application' tasks might include reviewing/modifying a *flowchart*, *program code*, a *presentation*, or other information therein. <u>Lesser related intermittent tasks may also include, for example, temporarily interrupting using computer 312 of FIG. 3a to control light 313c1, a television, stereo/gaming equipment, and so on.</u> 'More complex tasks' might include alerting... manipulating a presentation... sending one or more specifiable *phone*, *mail* or email responses...".

Applicant first respectfully submits that the added text merely exemplifies the preceding original definitions and original examples, and would have been understood as such by one of ordinary skill in the art at the time of the invention. For example, changing music volume, switching on/off a light or using machines other than an emailing application portion running on a computer may well be "intermittent" and "lesser-related" to the originally filed emailing examples. Such examples may also clearly utilize different machines than the exemplary emailing application portion typically running on a computer, for example, as with at least the originally disclosed "flowchart", "program code" and "presentation", and may well be considered lesser-related and more likely intermittent than the originally recited responding "by fax or phone" or "sending... mail". Therefore, a general new matter objection, assuming the Examiner intended to assert such objection, would clearly be improper. Such an example is also further supported by the originally filed disclosure which, for example, provides at least that "Underlying interfaces also provide familiar elements/operations, the modification of which can further be used to guide a user with regard to other, <u>even unrelated or otherwise unavailable</u> machine utilization; e.g. other *programs*, using a *PC*, a *cellular phone* or *stereo* similarly, or further *in conjunction with one another*, and so on" (28/17-20) (emphasis is added).

Applicant further respectfully submits that EACH of the specific machines referred to in the added example is ALSO supported by the originally filed disclosure. As

discussed above, for example, gaming is disclosed specifically by the game machine in FIG. 3A and more generally by reference to an "entertainment system" or according to the broad consideration of PC-based applications (examples of which are disclosed throughout the specification). Moreover, other examples disclosed in the originally filed disclosure are also included in at least FIG. 3A. Therefore, a new matter rejection to the particular machines is improper, assuming that is what the Examiner intended.

Applicant also respectfully submits that "controlling" of the additional exemplary components is also CLEARLY set forth by the originally filed disclosure. Such controlling is for example, set forth at least by specification paragraphs including the above-discussed 4/11-16 ("Accordingly, , there is a need for interface systems and methods that are capable of providing more intuitive and efficient control"), 4/29-5-9 ("Embodiments of the invention provide for constructing "conversant" control and data entry/modification *forming all or part of a voice, non-voice or combined interface*"), 5/9-14 ("Embodiments also enable a command-set or "group" to be formed including aspects applicable to data input, manipulation, control or some combination"), 22/14-24 ("the OEVI-like assistant scenario embodiment of FIG. 3a in which a user can move about while instructing an "assistant" or using various controllers himself"), 28/17-20 ("Underlying interfaces also provide familiar elements/operations, the modification of which can further be used to guide a user with regard to other, *even unrelated* or *otherwise unavailable* machine utilization; e.g. other *programs*, using a *PC*, a *cellular phone* or *stereo* similarly, or further *in conjunction with one another*, and so on") and so on, as well as at least the originally filed FIG. 3a. (Extensive further support is further provided throughout the instant specification and figures, including those submitted in the previous response and which are hereby submitted herein as well.) See, for example, the orginally filed specification at 41/5-17 (discussing "smart home controller", "respective audio, video, source-service or other components" and "a/v gear"), 50/18-28 (discussing "home entertainment system"), which ALSO provide sufficient support for the denoted exemplary components, control of such components and examples of how such components may be used. Therefore, a new matter objection to controlling of the additional exemplary components is improper, assuming that is what the Examiner intended.

Appl. No. 09/905,590
RCE and Response to Office Action mailed April 1, 2009

PATENT

Accordingly, the new matter objection to the specification 30/11 amendment is confusing, such that a non-response might have been acceptable in this case. Applicant has nevertheless attempted to respond to various objections that may or may not have been intended by the Examiner in order that prosecution of the instant Application might finally move forward, and withdrawal of the new matter objection is respectfully requested for at least the foregoing reasons.

Also in item 6 (page 6) of the present Action, the Examiner asserts that the specification **32/29** amendment includes new matter "because it refers back to Fig. 13B, which contains new matter. Fig. 13B contains elements that were not disclosed in the specification as filed (for example, *entertainment and gaming systems*)". Applicant respectfully traverses.

Applicant respectfully submits that the specification 27/4 amendment merely recites, in relevant part,

"See, for example, FIGS. 12g and 13a-b..".

Applicant further submits that, because the assertedly objectionable reference does not describe FIG. 13B but merely mentions it, the Examiner therefore asserts and admits that the assertedly objectionable "entertainment and gaming systems" are disclosed by FIG. 13B. FIG. 13B is also taken from originally filed FIG. 3A and quite clearly includes the same elements as FIG. 3A respecting "entertainment and gaming systems". While FIG. 3A (via the reference thereto) was objected to respecting entertainment systems, Applicant has shown that entertainment systems are not new matter and were instead clearly disclosed in the originally filed FIG. 3A and specification; gaming systems were not objected to. Applicant therefore respectfully submits, respecting entertainment systems in FIG. 13B, that the specification 32/29 amendment does NOT introduce new matter for at least the same reasons that the specification 30/11 amendment does NOT introduce new matter respecting FIG. 3A. Applicant further submits, respecting gaming systems in FIG. 3B, that the specification 32/29 amendment does NOT introduce new matter because Applicant submits and the Examiner Admits that the same originally filed disclosure in FIG. 3A does NOT introduce new matter.

Appl. No. 09/905,590
RCE and Response to Office Action mailed April 1, 2009

PATENT

Withdrawal of the objection is therefore respectfully requested for at least the foregoing reasons and the reasons set forth respecting the above-discussed specification 58/5 amendment and specification 30/11 amendment.

The Examiner further in item 6 (page 6) of the present Action, asserts that the specification **47/10** amendment includes new matter "because it redefines the context and task engines by deleting part of their definition from the specification".

Applicant respectfully submits that, as a result of scrivener's error, a portion of the disclosure was unintentionally deleted instead of the intended mere correction of grammatical error. Applicant is amending the offending paragraph herein to effectively reinstate the previously deleted text and to add the word "and" (thereby also entering a grammatical correction). The relevant portion of the specification 47/10 amendment, second paragraph at 47/17 will therefore upon entry of the amendment herein recite "context and task engines 402c through 402d for determining conversant contexts and tasks respectively, and for determining conversant criteria according to which commands are to be formed". The objection is therefore rendered moot and withdrawal of the objection is respectfully requested.

Further in item 6 (page 6) of the present Action, the Examiner asserts that the specification **55/1** amendment "includes new matter because it refers back to Fig. 10C-D, which contains new matter. Figs. 10D-C contains elements that were not disclosed in the specification as filed (the exact scheme shown in 10C for inter-context communication is not supported by the original specification and the particular system structure, including an interface glue is also not supported)". Applicant respectfully traverses.

Applicant first respectfully submits that the objection is confusing. The specification 55/1 amendment merely recites

"See, for example, FIGS. 9a through 10d".

Current FIGS. 10C and 10D correspond with originally filed drawings; FIG. 10C corresponds with originally filed FIG. 5 that was labeled "VI Converter", while current FIG. 10D

corresponds with a not-numbered drawing that was labeled "New CMD Conversion". MPEP 2163.06 provides that "information contained in any one of the specification, claims or drawings of the application as filed may be added to any other part of the application without introducing new matter." Therefore, FIGS. 10C-D can NOT contain new matter for the reasons set forth by the Examiner. Applicant further respectfully submits that the Examiner does NOT assert a new matter objection to other references to FIGS. 10C-D and at least impliedly admits that such references are NOT objectionable as new matter. See, for example, the specification 8/3 amendment to the Brief Description of the Drawings. Applicant therefore further submits that the specification 55/1 amendment is NOT new matter at least for the same reasons that the specification 8/3 amendment is not new matter. Withdrawal of the new matter objection of FIGS. 10C and 10D is therefore respectfully requested for at least the foregoing reasons.

Applicant has, however, reviewed FIGS. 10C-D responsive to the objection and found that, while not objected to, scrivener errors have nevertheless been introduced into drawings. Specifically, in FIG. 10C, the output of currently labeled block 1023 was originally "To Voice Command Interpreter" and not "To Voice Command Interface". The input to currently labeled block 1020 was also originally "Conversational Commands" and not "Conversant Commands". However, the 4/29-5/4 of the originally filed specification disclosed "conversant commands" while "conversational commands" are not mentioned. Moreover, in FIG. 10D, currently labeled block 1033b was originally "Iteration Check" and not "Interface Glue". Additionally, text accompanying FIG. 10D has been removed. Otherwise, FIGS. 10C-D are believed to be substantively identical with the originally filed drawings. Applicant is therefore submitting in the present response amendments to FIGS. 10C-D that replace the erroneous block labels with those of the originally filed drawings.

Also in item 6 (page 6) of the present Action, asserts that the specification **58/5** amendment includes new matter because it refers back to Figs. 13B, which contains new matter. Fig. 13B contains elements that were not disclosed in the specification as filed (for example, entertainment systems)". Applicant respectfully traverses.

Appl. No. 09/905,590
RCE and Response to Office Action mailed April 1, 2009

PATENT

Applicant respectfully submits that the specification 58/5 amendment merely recites, in relevant part,

> <u>"See, for example, FIGS. 3a-c, 10b, 12, 13b-c and 14"</u>

As discussed regarding the earlier objection to the specification 58/5 amendment and further respecting similar elements in the objection to the specification 30/11 amendment (but respecting FIG. 3A), to the extent that FIG. 13B may include entertainment systems and references thereto are clearly supported by the originally filed application. Withdrawal of the objection is therefore respectfully requested for at least the reasons set forth respecting the above-discussed specification 58/5 amendment and specification 30/11 amendment.

The Examiner further, in item 6 (pages 6-7) of the present Action, asserts that the specification **62/17** amendment (previous response 33) includes new matter. The Examiner ADMITS that "figure 6A as filed included a parser", but objects that "the specification was silent as to its function and how it could be incorporated into the applicant's invention. Thus, the statement that the parser determines "characteristics" is directed to new matter". The Examiner also at least impliedly ADMITS that the originally filed figure depicts a simulator or emulator machine (now block 631 of FIG. 3A), but objects that "the description of the simulator or emulator machine is not mentioned in the original specification, and thus, is also directed to new matter". Applicant respectfully traverses.

The assertedly objectionable amendments merely include:

> <u>"Parser 626 provides for determining or isolating one or more input/</u> <u>response portions, or further, determining one or more characteristics of</u> <u>the portions</u>", and

> <u>"A simulator, emulator or other machine 631 is further coupled to and</u> <u>operable in conjunction with the aforementioned executer 600</u> <u>components, for example, as is discussed elsewhere herein"</u>.

Applicant first respectfully submits that the amended descriptions of parser 626 and machine 631 merely desribes characteristics that are inherent to the originally disclosed elements, and are therefore NOT new matter at least in accordance with MPEP § 2163.07a, and/or that are further disclosed by the originally filed disclosure. For example, one skilled in the art at the time of the invention would have understood not only that a parser parses (e.g., provides for determining or isolating one or more portions of received information or further, determining one or more characteristics of the portions).

Even as a general definition, the New Webster Encyclopedic Dictionary of the English Language © MCMLXXI defines "parse" as "to analyze or describe grammatically; to show the several parts of speech composing (a sentence) and to show their relation to each other…"; thus, even in a more generic sense, the definitional "analyz[ing] or describ[ing]…" may correspond with the recited "determining or isolating", the definitional "sentence" may correspond with what may be received by the parser (e.g., here, the recited "input/response"), and the definitional "several parts…" may correspond with the recited "one or more characteristics…". Moreover, the originally filed disclosure provides for receiving and processing various information that is processed according to the information, information type and so on (e.g., at least specification 5/10 "data input, manipulation or control", 5/24 "explicit/ implicit data input", 6/5, "a partially *expressed* user task", 12/18-19 "input from one or more users, machines or other accessible input sources", , 12/25-26 6/9-10, 15/23, 15/27, 30/23, 46/4-5, 67/7-11, 68/14-21 "source-directed", "feedback" or other user or "machine responses", etc.). The originally filed specification also provides for "command portions being implementable by [a] command interpreter… or other interfacing elements" (12/26-27). See also block 620 of FIG. 6A. Thus, one skilled in the art would not only understand but also be able to make and use the parser 626 as inherently providing the more generally recited operation or the assertedly objectionable amendment, but also further according to the according to more specific embodiment depicted by originally filed FIG. 6A.

Applicant further respectfully submits that the assertedly objectionable coupling of machine 631 is in fact depicted by the originally filed drawing (now FIG. 6A). Moreover, one skilled in the art would clearly understand not only that simulator/emulator machine 631

Appl. No. 09/905,590
RCE and Response to Office Action mailed April 1, 2009

PATENT

inherently operates to provide simulation/emulation functionality, but also that it would operate in "conjunction with the other executor 600 components" to which it shown as connected and which component operation may be discussed elsewhere" in the disclosre. See, for example, specification 20/2-3.

Withdrawal of the objection is therefore respectfully requested for at least the foregoing reasons.

Also in item 6 (page 7) of the present Action, the Examiner asserts that the specification **65/22** amendment (previous response 36) includes new matter. The Examiner ADMITS that the "the [disclosure] as originally filed [includes] a command input resolver in the drawings, but asserts that the specification is "silent as to how it would function" and that "Similar issues apply to the added enhancement engine (616) components". Applicant respectfully traverses.

Applicant presumes that the Examiner is referencing current FIG. 7d and that the assertedly objectionable amendments apparently include, of the 6 amended paragraphs:

"Command input resolver 736 provides for resolving available or applicable input commands, dictation or other data types (**e.g.** which **may be comducted** according to root, base, designation, extension, enhancement, user, group, user/group ID/status, history, context, and so on, for example, **as was already discussed**" (top of previous response 37) ,

and

"Of the remaining **enhancement** engine 616 components, machine **switcher** 744 provides for conducting *coupling, information directing, machine linking, cueing, muting,* and so on, as is discussed elsewhere herein. **Query** engine 745 provides for conducting *querying* of one or more users/devices, for example, as determined, coupled or directed by other execution engine 600 components. **Data carrier/filler** 746 provides for conducting *data carrying/filling,* as is discussed elsewhere herein. **Choice/error feedback** engine 747 provides for

> determining, generating or directing user/machine *feedback*. **Machine**
> **controls 748** provides for determining or conducting *machine control*" (last
> paragraph of previous response 38). Bolding/italics emphasis is added.

Applicant first respectfully submits that the amended descriptions of command input resolver 626 and machine 631 merely desribes characteristics that are inherent to the originally disclosed elements, and are therefore NOT new matter at least in accordance with MPEP § 2163.07a, and/or that were disclosed by the originally filed disclosure. For example, command input resolver 736 clearly inherently provides for at least resolving at least command input. Moreover, command input resolver 736 is a component of designation engine 615 and support engine 620, which are components of command interpreter 611, and as discussed above, inherently provides for – and would clearly have been understood as providing for – receiving/ processing the input received/processed by such components. See, for example, at least FIGS. 7D, 6A and specification at 62/17-23 ("Command/data engine 611 [of *command* interpreter 115] provides for receiving speech/non-speech input, differentiating commands and data and processing and outputting data, commands or both. *Command* interpreter 115 operation is *further*... Designation engine 615 provides for...).

The specification also clearly supports that command input resolver may itself and/or via such specific configuration receive/resolve a wide variety of information that includes but is even more extensive than that specifically noted by the amended description. See, for example, at least specification at 22/21-23 ("An assistant can also guide an inattentive or physically, emotionally or technologically challenged user, for example, by receiving and *resolving partial recitations*, providing suggestive feedback, advancing user progress, preparing for further objectives, and so on"), 30/31-31/4 ("Call sender" or recipient, "Call <X> at home", and so on further cause the OEVI to lookup a corresponding target (e.g. phone number of the sender/recipient) using a corresponding machine (e.g. one or more local or remote personal, group or public address books) and implement a resulting *resolved* objective (e.g. place a call or display correspondence *information*", 62/7-9 ("*Command* interpreter 115 typically receives processed user/machine *input,* including conversant input (e.g. conversant speech, other physical

gestures, biometrics, events or some combination), and corresponding, supplementary or "enhanced" *operational commands or data*)", 5/23-25 ("Such structures/verbiage can further enable direct/indirect and explicit/implicit *data* input (e.g. *dictation*) as well as *control*, e.g. via generally applicable, specific or automatically relatable 'designations').

Moreover, the specification clearly supports that the input may be "available or applicable", e.g., as given by at least specification 14/14-20, which recites that "Machines 102 can include one or more local/remote devices or processes that are directly or indirectly operable (via) or participate in handling by communicating information (typically via other interface processor 101 elements) with interface processor 101 or other system 100 elements. Machines 102 need not provide similar functionality or communicate information in the same manner, and can utilize speech, converted speech or non-speech information, so long as respective interface-control or communications mechanisms are producible, ascertainable or otherwise operable in accordance with the teachings herein. Applicant believes, however, that *availability* and/or *applicability* are inherent and simply make sense in view of the invention. The remainder of the desciption is also supported, for example, at leat by the originally filed specification at 27/20-22 ("A user can also implicitly/explicitly recite a "current" element, which a conversant interface can: resolve as a reference in conjunction with other command elements, a current context or user objective; implement; and further enhance as might be useful...") 27/28-29/4 ("Execution and other handling of a received command can also be facilitated, for example, by: resolving any explicit/implicit specificities; resolving user objectives (e.g. according to the resolved specificities); causing consistent or supportive interface responses thereto; or anticipating, facilitating or guiding further user objectives (e.g. via an assistant, conversant factors, context similarities/differences, command elements, and so on) in accordance with a current context, sub-context or context/sub-context transition.

Applicant further submits that a label, such as "command" input resolver is not necessarily controlling where, as here, the label conflicts with a specific operational description. The originally filed disclosure (specification at 11/12-14) further states that "Such indications, as with section titles or other labels, are provided herein to facilitate discussion and should not be construed as limiting". The specification at 62/17-23, for example, recites "Command/data

engine 611 [of *command* interpreter 115] provides for receiving speech/non-speech input, differentiating commands and data and processing and outputting data, commands or both. *Command* interpreter 115 operation is *further*...".

Regarding the assertedly objectionable amended description of enhancement engine 616, Applicant first respectfully submits that *machine switcher* 744 inherently provides for *machine switching*. Moreover, machine switching operation including amended coupling, information directing, machine linking, cueing, muting, and so on, are support by at least the originally filed application at 65/17-21, 12/2-7, 11/28-30, 15/2-7, 22/18-19, 54/17-20, 66/21-30. Query engine 745 further clearly inherently provides for conducting querying, which is disclosed as being conducted respecting one or more users/devices at least in the originally filed specification at 68/18-24 (in conjunction with user-query 805) and 69/6-10 (in conjunction with machine-location identifier). Similarly, data carrier/filler 746 clearly inherently provides "for conducting data carrying/filling", which is further discussed at least in the originally filed specification at 87/16-88/9 and 36/23-37/1 respectively. Choice/error feedback engine further clearly inherently provides for providing user/machine feedback, which "determining, generating or directing" is further discussed at least in the originally filed specification at 11/25-30 and 15/21-29. Finally, *machine controls* 748 clearly inherently provides for determining or conducting *machine control*.

Accordingly, withdrawal of the rejection is respectfully requested for at least the foregoing reasons.

Objections to the Drawings

In item 7 (page 7) of the present Action, the Examiner objected to the drawings under 37 CFR 1.84(p)(5) asserting first that the following drawings include reference characters that are not mentioned in the specification. The Examiner more specifically asserts that elements of FIGS. 9A-10D, 12C and E-H, 13A, 14, 15A-D and G are not mentioned in the specification. The Examiner further objected to FIGS. 16-17 and their associated elements, asserting that (1)

their associated elements are not referred to in the specification, and (2) the elements of each figure have the same reference numbers.

Applicant respectfully submits that amendments to the specification are included herein to ensure that all elements of the assertedly deficient drawings are mentioned in the specification. Moreover, Applicant is submitting herein drawing amendment to FIG. 17 such that the elements of each figure include different reference numbers. Applicant has further taken care to assure that no new matter is added and that all amendments are inherent or otherwise disclosed in the originally filed disclosure.

Withdrawal of the objection to the drawings is therefore respectfully requested.

In item 8 (page 8) of the present Action, the Examiner further objected to the drawings "because Figs. 3 *(different items not originally shown)*, 10C *(exact scheme for inter-context processing)*, 10D *(interface glue)*, 15G *(trapped database, selective output portion)*, and 13B *(different items not originally shown)*" Applicant respectfully traverses.

Applicant respectfully submits that the objection is unclear, provides no basis for objection or sufficient detail so that Applicant may fully respond, and is improper. Regarding FIGS. 3, Applicant presumes that the Examiner is referring to FIGS. 3A-C. Applicant respectfully submits that after thorough review, no amendment was found regarding FIGS. 3A-3C except as already discussed respecting the above rejection to FIG. 3A and minor, non-substantive layout/rendering in producing the required computer drawings. Therefore, because the Examiner has not provided any description with which Applicant might identify the items objected to, Applicant is unable to provide any further response. Therefore, withdrawal of the objection is respectfully requested for at least the foregoing reasons.

Regarding FIG. 10C, while Applicant has reviewed current FIG. 10C and it appears to conform to the originally filed FIG. 10C, Applicant is unable to determine what is meant by "exact schema for inter-context processing" or the nature of the objection or the reason for which the objection is raised. Applicant therefore respectfully submits that the objection is

improper and is unable to provide any further response. Therefore, withdrawal of the rejection is respectfully requested for at least the foregoing reasons.

Regarding FIG. 15G, Applicant believes that the same objection was already raised by the Examiner in item 7 (above) and withdrawal of the objection is respectfully requested for at least the foregoing reasons.

Regarding FIG. 13B, Applicant is unable to make sense of the objection. FIG. 13B was submitted in the previous response as a newly added drawing and the Examiner has already objected to FIG. 13B on new matter grounds. Applicant therefore respectfully submits that there can be no *different items not originally shown*. Withdrawal of the objection is therefore respectfully requested for at least the foregoing reasons.

Objection to the Disclosure

In item 9 (page 9) of the present Action, the Examiner objected to the disclosure because of the followiing informalities: numbering in the amended specification page 49 respecting FIG. 4A does not refer back to the re-numbered reference numbers (e.g., " 'available controls' is noted to be 477, when its updated reference number is actually 482)"; currently amended specification page 58 does not provide an asssociated alphabetial reference to the specfic figure 12; currently amended page 65 of the specification refers to the incorrect element number when discussing the command input resolver and "The analyzer filters recited on amended page 70 of the specification appear to correspond to elements 823-826 rather than 822-826".

Applicant respectfully submits that the numbering in the amended specification page 49 respecting FIG. 4A is believed to be resolved. To do so, the specification page 49 is again amended in order to add an element that was shown in FIG. 4A but not noted at page 49 and to correct the assertedly objectionable informalities. FIG. 4A is also amended to add an

element that was noted at page 49 but missing from FIG. 4A. However, clearly No new matter was added since both were included in the originally filed disclosure.

Applicant further respectfully submits that "currently amended" page 58 of the specification is amended herein to add the missing reference letter, and "currently amended" page 65 of the specification is amended herein to correct the reference to the command input resolver. "Amended" page 70 of the specification is also amended to correct the assertedly objectionable analyzer-filter reference. However, because the same paragraph of the originally filed disclosure also discloses that "such element or elements can be replaced, deleted or modified in accordance with corresponding elements or other processing (e.g. users, purposes, contexts, tasks, applications, machines, providing feedback, etc.", page 65 is amended to more consistently and correctly state (despite the non-controlling label) that "Analyzer-filters 823-826 and analyzer 822 facilitate security..." and "analyzer-filters 823-826 and analyzer 822 822-826 provide...". To do otherwise may add rather than correct the assertedly objectionable reference.

ADDED RESPONSIVE TO NOTICE OF INCOMPLETE RESPONSE

The following is added responsive to the notice of incomplete response mailed on 4/1/09.

Rejection of claims under 35 U.S.C. 102(e)
over Watanabe

Beginning on page 11 (item 15) of the present Action, the Examiner rejects claims 1-3, 5-8, 12, 15-36, 38-39, and 42-44 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent: 6,035,267 to Watanabe et al. (hereinafter referred to as "Watanabe"). Applicant respectfully traverses.

Applicant respectfully submits that the *initial* burden of establishing a basis for denying patentability to a claimed invention rests upon the *Examiner* (See *In re Piasecki*, 745 F.2d 1468, 223 USPQ 785 (Fed. Cir. 1984) (emphasis added), that the Examiner has failed to meet such burden, and further, that the cited art clearly does NOT anticipate the instant claims.

The *Examiner must show* that a reference teaches "*every* aspect" of the subject claims "either explicitly or impliedly", or the reference does NOT anticipate the subject claims under 102(e). 35 USC §102, MPEP 706.02 (emphasis added). Mere Examiner assertion is *NOT sufficient* and limitations are instead imposed on the Examiner's interpretation of a subject claim and on the use of a reference in establishing *prima facie* anticipation.

The instant claims must be "given their broadest reasonable interpretation *consistent with the specification*" as it would be "interpreted by one of ordinary skill in the art", *In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d 1359, 1364, 70 USPQ2d 1827 (Fed. Cir. 2004) (emphasis added), but mindful that an Applicant *may rebut* the ordinary and customary meaning of claim terms, e.g., under MPEP 2111.01. The Examiner should also *construe the claim preamble* "as if in the balance of the claim" if it "recites limitations" or "is 'necessary to give life, meaning, and vitality' to the claim", *Pitney Bowes, Inc. v. Hewlett-Packard Co.*, 182 F.3d 1298, 1305, 51 USPQ2d 1161, 1165 (Fed. Cir. 1999). Emphasis is added. See also MPEP 2111.

The "*identical* invention must also be *shown* [in an asserted reference] in *as complete detail* as is contained in the... claim" *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226,

1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (emphasis added) and the Examiner may *NOT modify* a reference to meet the claim, which "is reserved for 35 U.S.C. 103". MPEP 706.02.

Mere Examiner assertion is also NOT sufficient for drawing *inferences* from a reference. In *In re Lamberti*, for example, the inference asserted by the Examiner was upheld "*because the reference recognized* the possibility of using temperatures greater than 750°C", and further, "700°C was much lower than had previously proved feasible", In *re Lamberti*, 545 F.2d 747, 750, 192 USPQ 278, 280 (CCPA 1976) (emphasis is added).

Moreover, the assertedly anticipating *reference* must "provide an *enabling disclosure* of the desired subject matter." Mere naming or description "*is insufficient* if it cannot be produced *without undue experimentation*", *Elan Pharm., Inc. v. Mayo Found. For Med. Educ. & Research*, 346 F.3d 1051, 1054, 68 USPQ2d 1373, 1376 (Fed. Cir. 2003). MPEP 2121.01. A degree of fairness or "duality" is also required. For example, just as the Applicant must respond to objections and rejections in order to avoid presumed admission, the Examiner must also *provide sufficient* information and *properly* respond to Applicant arguments, or risk allowability of the claims to which Applicant argument remains un-challenged, *In re Herrmann*, 261 F.2d 598, 120 USPQ 182 (CCPA 1958). See also *In re Soni*, 54 F.3d 746, 751, 34 USPQ2d 1684, 1688 (Fed. Cir. 1995) (Office failed to rebut applicant's argument) and MPEP 707(f). Further limitations may also apply.

By way of overview, embodiments of the present invention provide for "interfacing one or more *users or groups* of users with one or more *machines or groups* of machines" and for "intuitively and flexibly expressing *user objectives that are anticipated, followed, facilitated and/or guided* by the interface. Aspects provide for *speech and/or non-speech* interaction, *varying environments/ approaches*, use of one or more conventionally or specially configured machines, command-set creation, implementation and/or conversion,... augmentation/ *replacement of*... "*underlying*"... *interface/operability elements* with one or more *conversant "command" interfaces and/or operabilities*" thereby enabling "users or machines to concurrently, collaboratively or separately communicate or otherwise handle "information" [Originally filed Specification at 10/1-11]. Conversant input processing and execution, for

example, enable, semantic continuity, intuitive recitation, greater accuracy, user assisting/ guiding, identifying /trapping mis-recitations, use of fewer commands, control/data conflict avoidance and more accurate and efficient command handling, among other advantages [27/4-14]. ("Machines 102 can include one or more local/remote devices or processes [14/14] as well as "machines at various levels, such as GUI program window segments, feature sets, question/answer "frames", sub-devices/ processes, systems, components, downloadables, among others" [14/28-30], "the ongoing or intermittent operability of which can be facilitated by [the interfacing] system [15/8-10].)

Claim 1

Instant claim 1 recites:

"1. (Previously Amended) An interfacing method conducted by one *or more machines*, the machines including a host computing device and one or more hosted machines, comprising:

receiving voice information corresponding to at least one machine user; and

processing the voice information, the processing including:

determining *whether* the voice information includes command information; and if so, then:

determining one or more *use-based objectives* corresponding to the voice information;

determining one or more specificities corresponding to the command information; and

determining a conversant *command execution* corresponding to the use-based objectives and the specificities." Emphasis is added.

Beginning on page 11 (item 15) of the present Action, the Examiner asserts that Watanabe anticipates the recited "Receiving voice information corresponding to at least one machine user" at Watanabe 4/65-5/16 by disclosing "*received input speech in a natural language*

from a user". The Examiner further asserts that Watanabe anticipates the recited "<u>processing the voice information, the processing including</u>" and the recited "<u>determining whether the voice information includes command information</u>" at Watanabe 5/1-16 by disclosing "*identifying semantic terms related to system commands*". Applicant respectfully disagrees.

Applicant first respectfully submits that even assuming arguendo that the Examiner correctly asserts the Watanabe disclosures and that the disclosures correspond with the asserted claim recitations, the Examiner has clearly NOT met his *initial burden* of establishing a basis for denying patentability under *In re Piasecki* [id]. That is, the Examiner has at least failed to *show* that Watanabe teaches "<u>*every* aspect</u>" of claim 1 under 35 USC §102, MPEP 706.02, and has further failed to *show* in Watanabe the "<u>*identical* invention</u>... in as <u>*complete detail* as is</u> contained in the... claim" under *Richardson* [id]. The Examiner therefore has failed to establish *prima facie* anticipation of claim 1 over Watanabe. Specifically, claim 1 does NOT merely recite

> "*Determining whether the voice information includes command information*"

as the Examiner asserts, but instead, further recites

> "*Determining whether the voice information includes command information, <u>and if so, then:</u>*"

That is, the claim 1 portions of "*determining one or more <u>use-based</u> objectives...*", "*determining one or more <u>specificities</u>...*" and "*determining a <u>conversant</u> command execution...*" are performed IF the above "determining" determines that the voice information includes command information. The Examiner simply ignored and did NOT assert that Watanabe anticipates the further (underlined) claim 1 portion "*and if so, then*", and therefore has NOT shown that Watanabe anticipates every aspect of claim 1 or the identical invention in its complete detail. Applicant therefore respectfully submits that the Examiner has failed to establish prima facie anticipation. Applicant therefore respectfully requests withdrawal of the rejection for at least the foregoing reasons.

Applicant further respectfully submits that even assuming arguendo that Watanabe anticipates *"An interfacing method conducted by one or more machines, the machines including a host computing device and one or more hosted machines, comprising: receiving voice information corresponding to at least one machine user; and processing the voice information, the processing including:"* as the Examiner asserts, Watanabe nevertheless does *NOT* even *consider*, let alone anticipate the recited *"Determining whether the voice information includes command information, and if so, then:"*.

Specifically, Watanabe 5/1-16 discloses that its *goal extracting unit operates to* *"extract a user goal from the input statement 10 entered by the user, thereby generating a semantic representation of the input statement 10"*. Watanabe therefore merely discloses (and the Examiner further ADMITS) that Watanabe discloses merely to extract a user goal. It does NOT disclose or even consider ANY condition whatsoever for conducting such extraction, let alone the condition of determining whether the voice information includes command information ("and if, so then"). The Examiner further ADMITS, by way of the current and following assertions that Watanabe further performs its further processing (or at least attempts to perform such processing irregardless of "whether the voice information includes command information (and if, so then"). Applicant further submits that Watanabe continues its processing irregardless of "whether the voice information includes command information (and if, so then"). While the Examiner may further assert Watanabe provides "action feasibility judging unit" that might somehow "judge" that a matching command was not found, such assertion would merely argue that this might occur only after having already conducted the further processing that the Examiner also asserts as anticipating the further instant claim 1 portions, and second, such assertion is NOT clear according to Watanabe. Applicant therefore respectfully requests withdrawal of the rejection for at least the foregoing reasons.

Applicant also respectfully submits that Watanabe does not and would not even consider, let alone anticipate the recited *"determining whether the voice information includes command information and if, so then"*. Among other aspects, present invention embodiments provide, for example, for "determin[ing] commands versus dictations or combinations" [18/20-21], "complimentarily input commands and dictation" [59/17-18], "direct/indirect and

Appl. No. 09/905,590
RCE and Response to Office Action mailed April 1, 2009

PATENT

explicit/implicit data input (e.g. dictation)" [5/24], "a partially expressed user task" [6/5], "participant-user identification, gesturing (e.g. speech, movement, event)... or multiple user control, dictation, documenting, etc.," [13/22], and may conduct processing differently in one or more of these or other cases. In accodance with such embodiments, therefore, claim 1 provides for "*determining whether the voice information includes command information and if, so then*" performing corresponding command processing, such as that recited by instant claim 1. Contrastingly, Watanabe provides for ONLY command processing, and does not (and would not) even consider, let alone disclose, suggest, provide incentive for or further enable the recited "determining". (Moreover, though not generally considered relevant to a response to a 102 rejection, it is not clear whether Watanabe might be combined with any other reference without at least changing its principle of operation or rendering it unsatisfactory for its intended purpose.) Applicant respectfully submits that Watanabe does NOT anticipate instant claim 1 for at least the foregoing reasons as well.

Applicant therefore respectfully submits that the Examiner has failed to show and Watanabe does NOT anticipate claim 1 for at least the foregoing reasons, and withdrawal of the rejection is respectfully requested.

The Examiner also asserts, beginning on page 12 of the present Action, that Watanabe anticipates the recited "determining one or more use-based objectives corresponding to the voice information" at Watanabe 5/1-16 and 5/60-6/3 by disclosing "*a user goal is determined for the voice input,*", and the recited "determining one or more specificities corresponding to the command information" at Watanabe 5/1-16 and 6/13-21 by disclosing "*a system goal is determined, which corresponds to the user's command*". Applicant respectfully disagrees.

Applicant respectfully submits that even assuming arguendo that Watanabe might somehow anticipate the above-argued portions and also anticipates the recited "determining one or more use-based objectives" as the Examiner asserts, Watanabe nevertheless clearly does NOT anticipate the recited determining one or more specificities corresponding to the command information" at Watanabe 5/1-16 and 6/13-21 or elsewhere.

Applicant first respectfully submits that Watanabe 5/1-16 clearly do NOT teach or suggest, or further, enable the recited <u>determining one or more specificities corresponding to the command information</u>". Watanabe 5/1-16, for example, merely discloses, in pertinent part, that its "*a system goal determining unit for determining, from the system goal knowledge 14, a system goal <u>corresponding to</u> the user goal...*". Watanabe 5/1-16 does clearly NOT in any way disclose, infer or even consider that the "determining a system goal" might even remotely relate to anything more that matching the so-called "user goal" with a corresponding predetermined system operation (which may further correspond a predetermined sequence of system instructions); clearly, the reference does NOT further anticipate "determining one or more *specificities*..." (which are clearly NOT disclosed, suggested, considered or enabled).

Moreover, the further asserted Watanabe 6/13-21 reference merely tends to contradict the assertion and confirm Applicant's argument by disclosing "*The system goal determining unit 15 determines, based on the system goal knowledge 14, a system goal <u>corresponding to a user goal</u> sent from the user goal extracting unit 12*" and by its further illustration. The illustration discloses that "*Illustratively, if a user goal "<u>GET.sub.-- AVALUE</u>" is received from the user goal extracting unit 12, the system goal determining unit 15 determines the system goal "<u>GIVE.sub.-- AVALUE</u>"... selectively from the system goal knowledge 14 and outputs the selected system goal*" which is output. Clearly, not only does Watanabe 6/13-21 fail to teach or suggest "determining" or otherwise considering "one or more specificities", but Watanabe's "system goal" clearly *directly corresponds* with Watanabe's "user goal".

Applicant therefore respectfully submits that the Examiner has not shown and Watanabe clearly does NOT anticipate at least the recited "determining one or more specificities corresponding to the command information" for at least the foregoing reasons.

Applicant further respectfully submits that present invention embodiments provide for " 'modifiably specifiable" designation of one or more command portion targets that can include actions and targets of actions." A user can provide "just enough specificity for the assistant to act at all (e.g. in "default," preferred or ways implied from an ongoing use or objectives), or can provide alternative, greater or lesser specificity." The interface "can also operate responsively to similarly posed user references, reference modifiers, details or other

specificities regarding the user, others, applications, machines, actions, and so on." [23/2-8].
Moreover, "Variably recitable subjects, objects, actions, users, machines, or other targets of
objectives or "designations" can, for example, be facilitated within one or more intuitively
recitable commands at varying levels of specificity" [20/30-21/1]. For example, "specificities...
can be recited before, after or (more typically) within base commands 501 or extensions 502"
[52/31-53/1]. Contrastingly, the entirety of Watanabe –including all examples- discloses only
predetermined processing of predetermined commands that correspond to fixed user input and
predetermined so-called "action sequences". NOWHERE in the cited reference does Watanabe
disclose, suggest or even consider modifiably specifiable commands or other aspects of
"specificities", let alone the recited *determining one or more specificities corresponding to the
command information*". Applicant therefore respectfully submits that the Examiner has not
shown and Watanabe clearly does NOT anticipate at least the recited "determining one or more
specificities corresponding to the command information" for at least the foregoing reasons.

Applicant further respectfully submits that Watanabe clearly contemplates
specific command input from a user and provides for processing of ONLY such specific
command input (though Watanabe referes to the input as a "user goal"). Watanabe also appears
to require such specific command input in order to conduct the aforementioned matching, and
would quite likely attempt - unsuccessfully - to process input that deviates from such specific
command input. Thus, while not generally considered relevant to a response to a 102 rejection,
it is apparent that Watanabe would likely be rendered inoperable according to an attempt to
modify Watanabe to provide for such deviation.

Applicant therefore respectfully submits that the Examiner has failed to show and
Watanabe does NOT anticipate claim 1 for at least the foregoing reasons, and withdrawal of the
rejection is respectfully requested. Moreover, Applicant submits that Watanabe cannot be
combined with any other reference without the likelihood of rendering Watanabe inoperable, let
alone that such combination would clearly NOT be enabled, among other deficiencies.
Applicant therefore further respectfully requests withdrawal of Watanabe as a reference.

The Examiner also asserts, beginning on page 12 of the present Action, that
Watanabe anticipates the recited "determining a conversant command execution corresponding to

Appl. No. 09/905,590
RCE and Response to Office Action mailed April 1, 2009

PATENT

the use-based objectives and the specificities" at Watanabe 5/29-50 and 6/36-7/3 by disclosing "*determining an action execution based on the goals,*". Applicant respectfully disagrees.

Applicant respectfully submits that even assuming arguendo that Watanabe might somehow anticipate the above-argued portions as the Examiner asserts, the Examiner has NOT shown that Watanabe anticipates at least the recited "*determining a conversant command execution corresponding to the use-based objectives and the specificities*" and applicant submits that it does not.

The first cited Watanabe reference merely discloses, in apparently relevant part, that

> "an action feasibility judging unit [retrieves] a semantic
> representation of a speech from the interaction history storage unit 13 in
> order to set arguments for, and judge feasibility of, an action in a goal
> frame being held by the goal frame storage unit 18",... "outputs an
> action command if the action is judged to be feasible" and "generates a
> new system goal if the action is not judged to be feasible". An external
> application is "driven upon receipt of an action command" and outputs
> "a result of execution of the action". A next action determining unit
> (determines), in response to the result of action execution output... the
> action to be executed next in the action sequence of a goal frame...".

While the Watanabe reference relates to command execution, it merely discloses that a command execution is conducted using a sequence of first "feasible" actions, and that an external application driven by an action also outputs a result of execution of the action that drives the determination of the next action in the sequence of actions. While there is disclosure of determining an action in a sequence of actions, there is clearly NO disclosure, suggestion, enablement or even consideration of the command execution being a "conversant one", let alone the recited "*determining a conversant command execution corresponding to the use-based objectives and the specificities*". Moreover, the Examiner does NOT even assert that a command

execution in Watanabe is "conversant", but merely "*determining an action execution based on the goals*" that, as noted earlier, is likely determined according to simple direct matching.

The second cited Watanabe reference merely discloses, in apparently relevant part, that

> Given a system goal…, the goal frame generating unit 17
> obtains… [a corresponding] action sequence knowledge node… so as to
> generate a goal frame." In the typical goal frame of FIG. 7 " the latter
> receives a system goal "GIVE.sub.-- AVALUE" … Action sequence
> knowledge nodes… constitute a tree structure wherein each branch is
> labeled with the result of execution of an action. The first node of the
> tree is established as the action to be processed (hereinafter referred to
> as the current action)."

Applicant respectfuly submits that, as with the previous cited references, Watanabe 6/37-7/5 merely tends to confirm that the Examiner's assertion is unsupported, that the Examiner has NOT shown that Watanabe teaches at least the recited "*determining a conversant command execution corresponding to the use-based objectives and the specificities*" and that the Examiner has NOT shown the "identical invention" in Watanabe "in as complete detail as is contained in" instant claim 1. Watanabe 6/37-7/5 merely adds to the previous cited Watanabe reference that the above action sequence is "obtained" as a corresponding "action sequence knowledge node", and NOT "*determining a conversant command execution…*" and Applicant is unable to ascertain why the reference was cited at all. Applicant therefore respectfully submits hat Watanabe does NOT anticipate instant claim 1 for at least the foregoing reasons as well.

(Moreover, though not generally considered relevant to a response to a 102 rejection, it is not clear whether Watanabe might be combined with any other reference without at least changing its principle of operation or rendering it unsatisfactory for its intended purpose.) Applicant respectfully submits that Watanabe does NOT anticipate instant claim 1 for at least the foregoing reasons as well.)

Appl. No. 09/905,590
RCE and Response to Office Action mailed April 1, 2009

PATENT

Applicant therefore respectfully submits that the Examiner has failed to show and Watanabe does NOT anticipate claim 1 for at least the foregoing reasons, and withdrawal of the rejection is respectfully requested.

Claims 2 and 3

On page 12 of the present Action, the Examiner rejects claim 2 as a "processing apparatus" apparently under the same rationale as claim 1. The Examiner separately asserts that Watanabe discloses a processing apparatus. However, the assertions and bases of the rejection of claim 2 are –at least in significant part- identical with those of claim 1. The Examiner further rejects claim 3, asserting that "Claim 3 contains subject matter similar in scope to claims 1-2, and thus, is rejected under similar rationale".

While Applicant submits that claims 2 and 3 might be separately argued, Applicant will avoid doing so at this juncture in order to expedite prosecution of the instant Application. Applicant therefore respectfully submits that claims 2 and 3 include similar limitations as with claim 1 and is patentable over Watanabe for at least the same reasons that claim 1 is patentable over Watanabe. Withdrawal of the rejection of claims 2 and 3 is therefore respectfully requested.

Claims 5-8, 12, 15-36, 38-39, and 42-44

Beginning on page 5 of the present Action, the Examiner further rejects instant claims 5-8, 12, 15-36, 38-39 and 42-44 over Watanabe. While Applicant submits that claims 5-8, 12, 15-36, 38-39 and 42-44 might be separately argued, Applicant will avoid doing so at this juncture in order to expedite prosecution of the instant Application.

Applicant therefore respectfully submits that claims 5-8, 12, 15-36, 38-39 and 42-44 are dependent claims depending from ones of claim 1 and are patentable over Watanabe for at least the same reasons that claim 1 is patentable over Watanabe. Withdrawal of the rejection of claims 5-8, 12, 15-36, 38-39 and 42-44 is therefore respectfully requested.

Appl. No. 09/905,590
RCE and Response to Office Action mailed April 1, 2009

PATENT

Rejection of claims under 35 U.S.C. 103(a)
over Watanabi i.v.o. Coffman

Beginning on page 20 of the present Action, the Examiner rejects claims 4, 9-10, and 13-14 under 35 U.S.C. §103(a) as being unpatentable over Watanabi in view of U.S. Patent 6,377,913 to Coffman et al. (hereinafter referred to as "Coffman"). Applicant respectfully traverses.

With respect to claims 4, 9-10, and 13-14, the Examiner asserts that Watanabe discloses"user-goal based speech processing method" "as applied to claim 1.

With respect to claim 4, the Examiner ADMITS that Watanabi does not explicitly teach "method implementation as a program stored on a computer readable medium", but asserts that "implementing a speech recognition method as software stored in memory" at 3/30-34" With respect to claim 9, the Examiner ADMITS that Watanabi does not explicitly teach "the execution of implied specificities", but asserts that "Coffman teaches the ability to execute a command with implied user information that is not actually included in the spoken input (Col. 4, Line 35- Col. 5, Line 32) to better understand a user and customize system responses" at 6/54-60". With respect to Claim 10, the Examiner asserts that Coffman further discloses processing performed according to user identification" at 4/35-5/11. With respect to Claim 13, the Examiner asserts that "Coffman further discloses processing conducted in accordance with a machine association with a user" at 4/35-5/11. With respect to Claim 14, the Examiner asserts that "Coffman further discloses processing conducted in accordance with a machine portion use" at 4/35-5/52. The Examiner further asserts that Watanabe and Coffman are analogous art because they are from a similar field of endeavor in speech controlled systems, and that it would have been obvious… to modify the teachings of Watanabe with the concept of method implementation as a computer program as taught by Coffman in order to allow the speech processing system of Watanabe to be implemented in any general purpose computer" (Coffman, 3/32-35). The Examiner does NOT, however, assert that Coffman otherwise resolves the above-argued or other deficieincies in Watanabi.

While Applicant may disagree and submits that claims 4, 9-10, and 13-14 might be separately argued, Applicant will avoid doing so at this juncture in order to expedite prosecution of the instant Application. Applicant instead submits that claims 9-10, and 13-14 are dependent claims depending from claim 1 and claim 4 recites similar limitations as with claim 1. Moreover, the Examiner does not assert that Coffman otherwise corrects the deficiencies in Watanabi respecting claim 1.

Applicant therefore respectfully submits that claims 4, 9-10, and 13-14 are patentable over Watanabi in view of Coffman for at least the same reasons that claim 1 is patentable over Watanabi, and withdrawal of the rejection of claims 4, 9-10, and 13-14 is respectfully requested for at least the same reasons as those submitted with respect to claim 1. Applicant further submits that Watanabi is not combinable with Coffman for at least the reasons set forth above with respect to claim 1, and withdrawal of the rejection of claims 4, 9-10, and 13-14 is respectfully requested for at least these reasons as well.

Rejection of claims under 35 U.S.C. 103(a)
over Watanabi i.v.o. Coffman

Beginning on page 21 of the present Action, the Examiner rejects claim 40 under 35 U.S.C. §103(a) as being unpatentable over Watanabi in view of U.S. Patent 6,799,169 to Coffman et al. (hereinafter referred to as "Coffman2"). Applicant respectfully traverses.

While not specifically stated, the Examiner apparently asserts that Watanabi anticipates claim 40 for the same reasons as with independent claim 1 upon which claim 40 depends. The Examiner further asserts that Watanabi further discloses "determining a correspondence determines that the currently received information at least partially completes the previously received information by including one or more corresponding specificities having a same input type characterization", "determining a correspondence determines that the currently received information at least partially completes the previously received information by providing one or more corresponding specificities having a different input type characterization", and "determining a correspondence determines that at least one of the previously recited

Appl. No. 09/905,590
RCE and Response to Office Action mailed April 1, 2009

PATENT

information and the currently received information comprises a partial recitation. The Examiner ADMITS that Watanabi does not explicitly teach "determine a correspondence according to a linking indicator", but asserts that Coffman2 discloses such limitations. The Examiner further asserts that Watanabe and Coffman '169 are analogous art because they are from a similar field of endeavor in speech controlled systems, and that "it would have been obvious to modify the teachings of Watanabe with the association means taught by Coffman '169 in order to allow the user the option to complete any action at a later time or not at all (Coffman '169, Col. 5, Lines 18-21)".

While Applicant may disagree and submits that claim 40 might be separately argued, Applicant will avoid doing so at this juncture in order to expedite prosecution of the instant Application. Applicant instead submits that claim 40 is a dependent claim depending from claim 1. Moreover, the Examiner does not assert that Coffman2 otherwise corrects the deficiencies in Watanabi respecting claim 1.

Applicant therefore respectfully submits that claim 40 is patentable over Watanabi in view of Coffman2 for at least the same reasons that claim 1 is patentable over Watanabi, and withdrawal of the rejection of claim 40 is respectfully requested for at least the same reasons as those submitted with respect to claim 1. Applicant further submits that Watanabi is not combinable with Coffman2 for at least the reasons set forth above with respect to claim 1, and withdrawal of the rejection of claim 40 is respectfully requested for at least these reasons as well.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Appl. No. 09/905,590
RCE and Response to Office Action mailed April 1, 2009

PATENT

Respectfully submitted,

Daryl C. Josephson
Reg. No. 37,365

DARYL C. JOSEPHSON, REGISTERED PATENT ATTORNEY
54 Chilton Avenue
San Carlos, CA 94070
Tel: 650-631-4232
Cell: 650-888-3737